

## 2.8.22 POGO – No-Knock Warrants Presentation:

- CM Ellison brought in legal experts to present to Council and Mayor
- What is a search warrant?
  - Authorize police to enter a residence in daylight hours (7 AM – 8 PM); required to knock and to enter their presence as police officers, then wait a “reasonable period of time” before entering (usually 30 seconds)
- What is a no-knock warrant?
  - Allows them to neither knock nor acknowledge their presence
  - If authorized judicially, can enter outside of “daylight hours”
  - Supposed to be an exception; have always been dangerous
    - 2010-2016, at least 94 people were killed in the US (13 of them were police officers, the rest were civilians)
  - Started in the US during War on Drugs; immediately controversial and almost repealed within the first four years, but at this point present in most states in the US
- Policies that have happened:
  - Before November 2020, we had no Minneapolis policy that addressed this at all
  - November 2020 – Frey announced a policy regulating MPD’s use of no-knock warrants; has often been referred to as a “ban” on no-knock warrants but was not. Does not affect the knock requirement (can still open the residence without knocking and don’t have to wait a reasonable period of time before entering the apartment), just required MPD, in most situations, to announce their presence/purpose before crossing the threshold into a residence. There are also exceptions to the announce requirement if police believe that announcing would create imminent danger.
    - In November 2020, City had been averaging 139 no-knock warrants per year. In the first ten months after this policy, there had been 90 no-knock warrants. Star Tribune reported 13 no-knock warrants in January 2022 alone
  - MN Legislature passed statewide law – not intended to ban no-knock warrants, but does limit them, because police who are requesting a no-knock warrant from a judge must specify why they are “unable” to investigate the search without a no-knock warrant/between daylight hours, and prove that they’ve tried to search for the evidence/person in other ways
    - We don’t have data on impact this has had because it was passed in August 2021 and only requires data reports annually
  - Last Friday, Frey announced a “moratorium” - not a ban – on no-knock warrants. Police are still allowed to use them in contexts where they anticipate “imminent harm”, if the Chief signs off on it. Moratorium is in place while we form a new policy, which is something the Mayor’s Office is doing in consultation with Dr. Pete Kraska of Eastern Kentucky University and Deray McKesson (they were both involved with Breonna’s Law in Louisville)
    - Will be in place for however long necessary until new policy is written
    - Other jurisdictions can request that MPD carry out a no-knock warrant, but moratorium prevents MPD from doing that
    - We don’t have either of them under contract yet to the Mayor’s knowledge
- How are other places dealing with this?

- Some city or statewide bans
- St. Paul doesn't have a ban, but also hasn't executed a no-knock warrant since 2016. Nonetheless, St. Paul is solving 60% more murders than Minneapolis, and neither city has had an officer killed
- If Minneapolis wanted to institute a ban, five key pieces based on what other jurisdictions have done:
  - Warrants need to happen during "daylight hours"
  - Officers need to knock before entering
  - Officers need to announce themselves repeatedly and clearly
  - Officers need to wait at least 30 seconds
  - Transparency – public needs to know what kinds of warrants are being granted (monthly, not annually as is currently required by the state), bodycam footage should always be on when officers are executing a warrant
    - Necessary record-keeping: number of unannounced entries, number of warrants, offenses on warrants, summary data of locations, injuries and fatalities related to warrants, confirmation that bodycam footage exists even if it isn't released immediately
- Ban on no-knock warrants does not impact "hot pursuits" or active hostage situations
- State law does not prevent Minneapolis from having an outright ban
- Most of the semi-bans involve the concept of "you can use a no-knock warrant during exigent circumstances", and police get to determine in the moment whether something qualifies as that
- No single source of national data on no-knock raids, but in many cities, we know they're disproportionately used in Black communities and communities of color, and often in drug raids. They are granted based on what is presented by an officer – the data we do have proves that most requests for a no-knock warrants are granted
- CP Jenkins says she permanently wants to ban no-knock warrants
- Council can't create or pass police policy; that is the Mayor's responsibility – CM Ellison brought Mayor to the POGO meeting so Council can get a better understanding of next steps
- Is there a standardized process for updating MPD policy?
  - No, looks many different ways. Involves Mayor's office, MPD, Attorney's Office, labor relations when needed, national experts, maybe community engagement
- Even an outright ban isn't an outright ban because there is no way to fully prevent exceptions (?)
- CM Ellison asked Frey if he would be open to having his policies go through a Council-hosted public hearing – Frey is open to some form of community engagement but is not sure what form
- SWAT team is the only entity that carries out no knock warrants – they go through additional training that other cops do not, there weren't details provided on exactly what this entails
- Ideas that have been put forward by Council Members:
  - CM Payne and CM Wonsley Worlobah are putting forward a charter amendment to create a Department of Public Safety – would need unanimous Council and Mayor support to pass this
  - Can use City's legislative agenda to advocate for changes to state law re: no-knock warrants and accessibility of data collected from bodycams

**2.9.22 Press Conference (Mayor Frey, Civil Rights Interim Director Alberder Gillespie, DeRay McKesson, and Katie Ryan)**

- Clarifying moratorium: there are no exceptions during the moratorium. MPD will neither be seeking nor acting on no-knock warrants (this includes MPD not carrying out a warrant called for by a different jurisdiction, but, it does not prevent other jurisdictions, like Hennepin County, from carrying out a no-knock)
- Civil Rights Department, specifically Office of Police Conduct Review (civilian oversight of MPD), will be involved in drafting new no-knock warrant policy
  - OPCR is responsible for ensuring that police services are delivered in a lawful and non-discriminatory manner, and providing oversight of police
  - OPCR will look into gaps or failings in departmental policy and procedure, and will review the City's communication process around "critical incidents"
  - Internal review process = OPCR; DeRay McKesson and other people we're bringing in = external review process
- Officers don't need no-knock warrants to conduct no-knock raids - "knock and announce" warrants can also be very close to a no-knock raid in practice
  - Campaign Zero believes that law enforcement should need to present a much more comprehensive application for any type of search warrant, not just a no-knock warrant
  - Campaign Zero believes there should be a time limit for search warrants – current state statute allows for search warrant to be active for 10 days
  - Want to end nighttime raids unless life is in imminent danger, recommendations about wait times, officers being clearly identifiable as officers
  - Recommendations around consequences for officers who breach these restrictions, audio and video oversight that should be present
- No matter what policy changes happen, there will probably be a loophole for extreme circumstances – you don't need a warrant for an officer to attend to that type of circumstances
- Asked about plans to fire the officer involved or the Interim Police Chief – Mayor responds that there is an investigation through the BCA, and then the Attorney General and the Hennepin County Attorney will determine charges. Does not speak to any plans he has to discipline but says he supports outcome of that investigation